

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Leased Commercial Access

Development of Competition and
Diversity in Video Programming
Distribution and Carriage

MB Docket No. 07-42

REPLY COMMENTS OF POPE BROADCASTING COMPANY, INC.

We are appalled by the blatant arrogance demonstrated in the comments submitted by Comcast, in particular, as well as other cable providers. Comcast stated that they do not believe it is necessary for the Commission to revisit or revise current rules relating to leased access programming. This statement by its very nature is a clear red flag to the Commission that something is amiss. Cable providers do not desire changes because they have developed clever ways to circumvent the guidelines.

Comcast further stated that complaints are infrequent and when they do occur are effectively and efficiently resolved under the Commission's current rules. Many of the comments that have been filed during this process dispel this notion. Leased accessed programmers from across the country have echoed the same issues, concerns and complaints regarding the cable providers' games, strong-arming maneuvers and underhanded tactics. We reiterate our assertions that many potential and current programmers are unaware of the complaint process outlined by the Commission. Even those of us who are, have experienced tremendous difficulty in using it as an effective option of resolution. In fact, in our recent dealings with the Media Bureau, we found our assigned FCC representative to appear very bias in favor of Comcast. Not only was he condescending and flippant, it felt like he was representing the best interest of Comcast. This was very disconcerting considering we look to the FCC for objectivity and fairness in these matters. Perhaps this is an example of why Comcast has flipped up its nose at these proceedings. If indeed, there are those in the Bureau who share camaraderie with the powers-that-be at the cable companies, perhaps this is why it is so hard to get our complaints pass first base.

Comcast stated that their leased access channels are used primarily for delivery of an excess of limited-appeal programming, such as infomercials and home shopping. However, they consistently employ tactics to deter those seeking to acquire these channels for leased access purposes. The truth of the matter is that they would prefer to use them for programming and broadband services as Comcast stated. However, since they are required to set aside a percentage of channels anyway because of the FCC rules, they opt to fill them with these kinds of programs while they continue to deter local programmers.

Cable providers are making it almost impossible for local programmers to continue to exist by offering: 1)unreasonable contract terms and conditions, such as short term channel leases, in most cases, less than one year; 2) High lease rates which continue to escalate at each renewal period; 3) Requiring excessively high dollar amount in insurance 4) Selling extremely low advertising rates to potential customers in local programmers' areas as a means to cut off our only means of revenue which is needed to continue broadcasting on the cable providers system; 5) and the list goes on and on.

It is apparent that the cable providers have become such Goliaths that they deem themselves untouchable by the Davids (local programmers) and in fact show a lack of reverence for the authority of the FCC. We believe the Commission has unwittingly help to create these hand full of corporate giants that now dominate what the American viewers watch on television. We appeal to the FCC to undo this travesty by rewriting the codes to be more equitable for leased accessed programmers and more easily enforceable by the Commission. In addition, we ask for stiffer financial penalties to be established and requirements for the cable providers to provide those inquiring information about leasing on their systems with written notice of FCC guidelines governing leased access. If the Commission does not intervene in a potent manner, the cable providers will just continue to their current behavior and in fact, will become even more insolent.

Respectfully submitted,

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